

This Page Is Inserted by IFW Operations
and is not a part of the Official Record

BEST AVAILABLE IMAGES

Defective images within this document are accurate representations of the original documents submitted by the applicant.

Defects in the images may include (but are not limited to):

- BLACK BORDERS
- TEXT CUT OFF AT TOP, BOTTOM OR SIDES
- FADED TEXT
- ILLEGIBLE TEXT
- SKEWED/SLANTED IMAGES
- COLORED PHOTOS
- BLACK OR VERY BLACK AND WHITE DARK PHOTOS
- GRAY SCALE DOCUMENTS

IMAGES ARE BEST AVAILABLE COPY.

**As rescanning documents *will not* correct images,
please do not report the images to the
Image Problem Mailbox.**



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/811,662	03/19/2001	Thomas W. Baker	Baker 8	9406

27964 7590 07/15/2004

HITT GAINES P.C.
P.O. BOX 832570
RICHARDSON, TX 75083

EXAMINER

BOUTAH, ALINA A

ART UNIT	PAPER NUMBER
----------	--------------

2143

DATE MAILED: 07/15/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/811,662	Applicant(s) BAKER, THOMAS W. Sf	
	Examiner Alina N Boutah	Art Unit 2143	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 18 June 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-19 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 18 June 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1, 3-6 and 8-13 are rejected under 35 U.S.C. 103(a) as being unpatentable over USPN 6,635,088 issued to Hind et al. (hereby referred to as Hind) in view of USPAP 2002/0111924 by Lewis.

Regarding claim 1, Hind teaches a method of processing a received message, the method comprising:

receiving a message to be processed (abstract; figures 3A-3B);

recognizing to what extent the message is capable of being discerned (col. 1, lines 15-34);

and

processing the message, to the extent the message can be discerned (col. 1, lines 48-61).

However, Hind does not explicitly teach receiving a message expressed in a non-negotiated language. Lewis teaches receiving a message expressed in a non-XML (in this case interpreted as a non-negotiated language) [0085]. At the time the invention was made, one of ordinary skill in the art would have been motivated receive a non-negotiated language in order to

Art Unit: 2143

maximize the recognizer's and processor's language capabilities, therefore increasing their efficiency.

Regarding claim 3, Hind teaches the method of claim 1, wherein the message comprises: a start tag and an end tag (col. 2, lines 27 and 57).

Regarding claim 4, Hind teaches the method of Claim 3, wherein the message further comprises data encapsulated between said start and end tag (col. 2, lines 56-67).

Regarding claim 5, Hind teaches the method of claim 1, wherein said step of processing the message, comprises executing an instruction associated with the message (col. 2, lines 24-55).

Regarding claim 6, Hind teaches a method of processing received messages, the method comprising:

receiving a message to be processed (abstract; figures 3A-3B);

parsing said messages to determine if said messages are decipherable (col. 1, lines 15-34, line 62 to col. 2, line 23); and

processing those messages determined to be decipherable (col. 1, lines 48-61).

However Hind does not explicitly teach receiving messages in a non-negotiated language. Lewis teaches receiving messages in a non-negotiated language [0085]. At the time the invention was made, one of ordinary skill in the art would have been motivated receive a non-negotiated

Art Unit: 2143

language in order to maximize the recognizer's and processor's language capabilities, therefore increasing their efficiency.

Regarding claim 8, Hind teaches the method of claim 6, wherein the step of processing comprises executing an instruction associated with at least one of said comprehended messages (col. 2, lines 24-55).

Regarding claim 9, Hind teaches the method of Claim 6, wherein the step of processing comprises storing data associated with at least one of said comprehended messages (col. 3, lines 23-48).

Regarding claim 10, Hind teaches the method of claim 6, wherein said comprehended messages are written in a human readable text message (col. 2, lines 23-28).

Regarding claim 11, Hind teaches the method of Claim 8, wherein said executing an instruction comprises displaying information associated with at least one of said deciphered messages (col. 12, lines 14-19).

Regarding claim 12, Hind teaches the method of Claim 6, wherein at least one of the messages comprises a start tag, an end tag and data encapsulated between said tags (col. 2, lines 23-55).

Art Unit: 2143

Regarding claim 13, Hind teaches the method of Claim 6, wherein at least one of the messages is written in an Extensible Markup Language (abstract).

Claims 2, 7 and 14-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hind in view of Lewis in further view of USPN 6,738,803 issued to Dodrill et al (hereby referred to as Dodrill).

Regarding claim 2, Hind fails to teach the method of claim 1, further comprising the step of: disregarding the message to the extent the message is not capable of being discerned. Dodrill teaches disregarding a message that cannot be discerned (abstract; col. 4 line 62 to col. 5, line 27). At the time the invention was made, one of ordinary skill in the art would have been motivated to disregard a message to the extent the message is not capable of being discerned in order to allow only messages that are capable of being discerned to pass through the system, therefore minimizing processing time.

Claim 7 is similar to claim 2, therefore are rejected under the same rationale.

Regarding claim 14, Hind teaches a system for receiving at least one message expressed in a non-negotiated language, comprising:

a tag recognizer configured to determine to what extent the message can be processed by analyzing tags in the message (col. 1, lines 15-61); and

a controller configured to process the message based on the determination of the tag recognizer (col. 1, lines 15-34, line 62 to col. 2, line 23).

However, Hind fails to explicitly teach disregarding an unrecognized message. Dodrill teaches disregarding an unrecognized message (abstract; col. 4 line 62 to col. 5, line 27). At the time the invention was made, one of ordinary skill in the art would have been motivated to disregard an unrecognized message in order to allow only messages that are capable of being discerned to pass through the system, therefore minimizing processing time

Regarding claim 15, Hind teaches the system of Claim 14, wherein the message is a readable text language (col. 2, lines 23-55).

Regarding claim 16, Hind teaches the system of Claim 14, wherein at least one message includes a start tag and an end tag (col. 2, lines 23-55).

Regarding claim 17, Hind teaches the system of Claim 14, wherein said system is a personal digital assistant (PDA) for receiving the message in a wireless environment whereby no fixed handshaking protocol is used to receive the message (col. 3, lines 8-10).

Regarding claim 18, Hind teaches the system of Claim 17, wherein said PDA displays information to a user to the extent the message is discerned by said parser (col. 3, lines 1-48).

Art Unit: 2143

Regarding claim 19, the system of Claim 14, Hind teaches wherein the message is written in an Extensible Text Markup Language (col. 4, lines 42-64).

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

1. USPN 6,012,098 issued to Bayeh et al.
2. USPN 6,557,043 issued to Fletcher.
3. USPN 6,721,793 issued to Corless.
4. USPAP 2002/0161801 by Hind et al.
5. USPAP 2002/0059425 by Belfiore et al.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alina N Boutah whose telephone number is (703) 305-5104. The examiner can normally be reached on Monday-Thursday (9:00 am-7:00 pm).

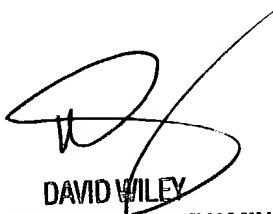
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David A Wiley can be reached on (703) 308-5221. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Art Unit: 2143

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

ANB

ANB


DAVID WILEY
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100